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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,736	08/28/2001	Yoshiro Ishikawa	011036	3857
38834	7590	03/09/2005	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				SAFAIPOUR, HOUSHANG
ART UNIT		PAPER NUMBER		
				2622

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/939,736	ISHIKAWA ET AL.
	Examiner Houshang Safaipour	Art Unit 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 September 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Berg (U.S. Patent No. 6,118,553).

Regarding claim 1, Berg discloses an image scanner comprising:  
an elongate body (fig. 1);  
a line sensor extending in the body longitudinally thereof for reading an original document as the body moves along the document (fig. 8, CCD 21);  
a roller shaft rotatably supported in the body to extend longitudinally of the body (fig. 1, roller 26);

at least one roller supported on the roller shaft for rotating therewith while rolling on the document 9fig. 1, roller 26);

a rotary encoder for detecting the rotation of said at least one roller for determining a scanning distance of the body, the rotary encoder including a rotary disk supported on a disc shaft; and a drive transmission for connecting said at least one roller to the rotary encoder; wherein the disc shaft extends in a direction crossing the roller shaft (fig. 5, encoder wheel 44, shaft 36, roller 26 and axis 60, col. 3, line 64 through col. 4, line 36).

Regarding claim 2, Berg discloses the image scanner according to claim 1, wherein the disc shaft extends perpendicularly to the roller shaft (fig. 5).

Regarding claim 3, Berg discloses the image scanner according to claim 2, wherein the body has an image reading surface for facing the document while the line sensor reads the document, the rotary disc being oriented parallel to the image reading surface (figs. 1 and 5)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (U.S. Patent No. 6,118,553).

Regarding claim 4, Berg discloses an optical detector (48) mounted on the board 86.

Berg does not disclose expressly that the board is situated parallel to the image reading surface. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to mount the plate (substrate) parallel to the image reading surface. Applicant has not disclosed that substrate being parallel to the image reading surface provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the plate in vertical or horizontal position.

Therefore, it would have been obvious to one of ordinary skill in this art to modify Berg to obtain the invention as specified in claim 4.

Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (U.S. Patent No. 6,118,553), and further in view of kokubo et al. (U.S. Patent No. 5,953,497).

Regarding claim 5, Berg does not explicitly disclose the image scanner wherein the drive transmission comprises a first pulley mounted on the roller shaft, a second pulley mounted on the disc shaft, a belt wound around the first pulley and the second pulley, and a pair of intermediate pulleys for bending the belt. However, Kokubo discloses such an image forming device (fig. 2, col. 4, lines 56-67). Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to modify Berg to use pulleys and belt for the drive system.

Regarding claim 6, Berg does not explicitly disclose the image scanner wherein each of the first pulley and the second pulley has a circumferential engaging surface, the circumferential engaging surface of the first pulley differs diametrically from that of the second pulley. However, Kokubo discloses such an image forming device (fig. 2). Please refer to claim 5.

Regarding claims 7-9, please refer to arguments and references under claims 5 and 6.

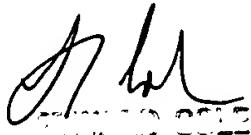
***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipour whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Houshang Safaipour  
Patent Examiner  
Art Unit 2622  
March 3, 2005

  
EDWARD L COLES  
CIVIL PATENT EXAMINER  
MAR 3 2005